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असाधारण
EXTRAORDINARY

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PART II—Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on 27th August, 1993:—

BILL No. 2 of 1993

A Bill to provide for the financial assistance to widows and other destitute women and certain welfare measures to be undertaken by the State for them and for matters connected therewith.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Widows and Destitute Women (Financial Assistance and Welfare) Act, 1993.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short
title,
extent
and com-
mence-
ment.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the State Government and in other cases, the Central Government;

(b) “Authority” means the Widows and Destitute Women Welfare Authority established under section 3;

(c) “destitute woman” means any woman who lives uncared for and is stricken with infirmity owing to age, physical deformity or ailment or mental imbalance and also includes a woman forced into prostitution;

Defini-
tions.

(d) "prescribed" means prescribed by rules made under this Act;

(e) "widow" means a female citizen of India who has attained the age of eighteen years and whose husband has died after her legal marriage.

Establishment of Widows and Destitute Women Welfare Authority.

3. (1) The appropriate Government shall, by notification in the Official Gazette, establish a Widows and Destitute Women Welfare Authority.

(2) Every authority established under sub-section (1) shall have such set up and such powers as may be prescribed by the appropriate Government from time to time.

Functions of Authority.

4. (1) Every Authority shall—

(a) maintain a register of names of widows and destitute women in its jurisdiction;

(b) give wide publicity through radio, television, newspapers and other media about registering the names of widows and destitute women.

(2) The Authority shall perform such other functions as may be assigned to it by the appropriate Government from time to time.

Financial assistance and other facilities to widows.

5. The appropriate Government shall provide to every widow registered under this Act—

(a) an amount not exceeding rupees one thousand per month in case the widow is having one or more living dependent children or rupees five hundred per month in case the widow has no living dependent child, as financial assistance;

(b) residential accommodation free of cost;

(c) free education to dependent children upto senior secondary level;

(d) employment to such a widow or her major dependent children by providing reservation in public employment;

Provided that if a widow gets gainful employment or re-marries, all the facilities provided to her and her dependent children under this Act shall be withdrawn from the date she gets employment or remarries, as the case may be.

Financial assistance and other facilities to destitute women.

6. The appropriate Government shall provide to every destitute woman registered under this Act the following facilities, namely:—

(a) financial assistance as may be prescribed;

(b) gainful employment;

(c) free vocational education wherever possible;

(d) free medical care; and

(e) such other facilities as may be necessary, for her proper development, welfare and maintenance;

Provided that if a destitute woman marries or remarries, as the case may be, all the facilities provided to her under this Act shall be withdrawn.

7. (1) For the purpose of this Act, the Central Government shall constitute a Fund to be called the Widows and Destitute Women Welfare Fund, moneys into which shall be provided by the Central Government after due appropriation made by Parliament in this behalf from time to time.

Widows
and Des-
titute
Women
Welfare
Fund.

(2) Such fund shall be distributed among the Authorities in the ratio of widows and destitute women registered in their respective areas.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt within this Act.

Saving
of other
laws.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power
to make
rules.

STATEMENT OF OBJECTS AND REASONS

In our country there is a very large number of widows and other destitute women who live uncared for in the society. Many of them are stricken with infirmity particularly due to old age or physical deformity or serious and prolonged ailment and in many cases suffer from mental imbalance. Many destitute women are forced to indulge in prostitution and some join the profession due to utter poverty. The majority of widows have no means to support themselves and their dependent children. They are exploited in various ways and they are ill-treated even by their own relatives. Similar is the position of destitute women in our society. They are also ill-treated by people at large. Most of the destitute women are unemployed and due to their ailment they die prematurely. In a welfare State like ours, it is the primary duty of the Government at the National and State level to ensure that the hapless widows and destitute women get necessary financial assistance and other facilities which may help them and their dependent children to lead a happy and respectable life and all such unfortunate women should be protected from all kinds of exploitation in society. This will also help such women not to indulge in prostitution.

Hence this Bill.

NEW DELHI;
June 24, 1993.

VENKATESWARA D. RAO.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of Widows and Destitute Women Welfare Authority. Clause 4 provides for registration of widows and destitute women and for publicity for such registration. Clause 5 provides for financial assistance and other facilities to widows. Clause 6 provides for similar facilities to destitute women. Clause 7 provides for constitution of Widows and Destitute Women Welfare Fund by the Central Government. The Bill if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crores is likely to be involved per annum as recurring expenditure.

Non-recurring expenditure to the tune of rupees one hundred crores is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 empowers the Central Government to make rules for carrying out the provisions of the Bill. The rules will relate to matters of detail only and as such the delegation of legislation power is of a normal character.

BILL No. 10 of 1993

A Bill to provide for the reservation of posts in the services of the Union Government and Public Undertakings and seats in all educational institutions for the people belonging to economically backward areas in the country.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Reservation of Posts in Services and Seats in Educational Institutions for People Belonging to Economically Backward Areas Act, 1993.

Short
title.

2. In this Act, unless the context otherwise requires,—

(a) “economically backward area” means such area which has been declared backward by the Planning Commission; and

Defini-
tions.

(b) "family" includes husband, wife, their dependent children and parents.

Reserva-
tion of
posts in
Govern-
ment
Services.

3. The Central Government shall reserve thirty per cent. of posts in the services of the Central Government and public undertakings under its control for the candidates belonging to economically backward areas.

Reserva-
tion of
seats in
educa-
tional
and
train-
ing insti-
tutions.

4. Thirty per cent. of seats shall be reserved for candidates belonging to economically backward areas in all educational and training institutions and the entire expenditure on the education and training of such candidates shall be borne by the Central Government after due appropriation made by Parliament in this behalf from time to time.

Benefits
under
the Act
to be
given
only
once.

5. The benefits specified under this Act shall be provided only once in each category to a family belonging to such backward area.

Power to
make
rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

After independence, though there has been a lot of industrial, economic and educational development in the country, some areas like the tribal areas and drought prone Chattisgarh region in the State of Madhya Pradesh, Kalahandi in Orissa, deserts of Rajasthan and Gujarat, the tribal belt of Bihar and hilly regions of Uttar Pradesh, Himachal Pradesh and Jammu & Kashmir remain deprived of the benefits of this development. People living in such economically backward areas of the country continue to suffer from abject poverty. Some of these areas have already been declared as backward areas by the Planning Commission and by some State Governments as well.

In such areas there are very few industries and little economic activity. As a result, people of these areas find it very difficult to earn their livelihood. Due to their abject poverty, they do not get even two meals a day leave alone education and other needs of life. As such they remain illiterate and are greatly exploited throughout their lives. To improve their lot, it is necessary that posts are reserved in the services of the Central Government and public undertakings and in all types of educational institutions for the people belonging to economically backward areas of the country. It will not only improve the economic conditions of such backward areas but will also help in their educational advancement. It will be a good beginning for the welfare of economically backward areas in the country.

Hence this Bill.

NEW DELHI;
February 5, 1993.

VENKATESWARA D. RAO.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government shall bear the entire expenditure on the education and training of candidates belonging to the economically backward areas of the country. The Bill, if enacted and brought into operation, will involve recurring expenditure of about rupees eighty crores per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crores is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only and as such the delegation of legislative power is of a normal character.

BILL No. 53 OF 1993

A Bill to provide for a house to every citizen of the country.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Citizens (Provision of Compulsory Housing) Act, 1993.

Short
title
and
extent

(2) It extends to the whole of India.

2. The Central Government shall provide a house to live in to every citizen of the country.

Provi-
sion of
housing
to all
citizens.

Explanation.—For the purposes of this Act “house” means—

(a) a two room set of appropriate size alongwith a bathroom and a kichen to every family consisting of husband, wife and two dependent children; and

(b) a three room set of appropriate size alongwith a bathroom and a kichen to every family consisting of husband, wife, dependent children and dependent parents, sisters and brothers.

STATEMENT OF OBJECTS AND REASONS

There are large number of people in the country who do not have a place to live in. There are large number of people in the country who live in slums under unhygienic conditions and fall victim to a number of diseases. Also, a large number of people their nights on pavements in most unhygienic conditions.

They are the victims of weather throughout the year, whether biting cold, hot summer or the rains.

The Government, even after forty-five years of independence, have not been able to provide a place worth living to all citizens of the country. Therefore, there is an urgent need to provide a place to live to those people who live without roof over their heads.

Hence this Bill.

NEW DELHI;
March 10, 1993.

BOLLA BULLI RAMAIAH.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Central Government shall provide a house to live in to every citizen of the country. The Bill therefore, if enacted, will involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of about rupees one thousand crore is likely to be involved.

A non-recurring expenditure of about rupees three hundred crore is also likely to be involved.

BILL No. 51 OF 1993

A Bill to provide for the curtailment of expenditure on marriages and for matters connected therewith.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short
title and
extent.

1. (1) This Act may be called the Curtailment of Expenditure on Marriages Act, 1993.

(2) It extends to the whole of India.

Solemn-
ization
of
marriages.

2. All marriages in India, irrespective of caste, colour or creed of the bride or the bridegroom, shall be solemnized in a simple ceremony before the head priest, by whatever name called, of the concerned community or religion, who shall certify the marriage in the presence of relatives and friends of the bride and bridegroom.

Provided that the number of relatives and friends invited to attend any function organised for the solemnization of a marriage shall not be more than fifteen.

3. Irrespective of caste, colour or creed of the bride or bridegroom, there shall be no expenditure on a marriage to be solemnized.

Explanation.—For the purpose of this Act, 'Expenditure on a marriage' means and includes expenditure incurred during marriage on invitation cards, decoration, illumination, fireworks, luncheon, dinner, clothes, ornaments and gifts.

4. Notwithstanding anything contained in any other law for the time being in force, no court shall entertain any application for divorce or separation for atleast ten years after solemnization of the marriage as provided under section 2.

5. Any person who contravenes the provisions of this Act shall be punished with imprisonment which may extend upto five years and with a fine upto rupees five thousand:

Provided that a person who contravenes the provisions of this Act, if he is in service whether in the offices or establishments under the control of Central Government or in the private sector, he shall also be removed from such service and a person who contravenes the provisions of this Act and is not in service shall not be eligible or appointment in the offices or establishments under the control of Central Government or in private sector.

6. In section 3 of the Representation of the People Act, 1951, in subsection (1),—

(a) in clause (j), the word "or" shall be inserted at the end;

(b) after clause (j), as so amended, the following clause shall be inserted, namely:—

"(k) the curtailment of Expenditure on Marriages Act. 1993."

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

No expenditure to be incurred on marriages.

Courts not to entertain applications for divorce or separation.

Punishment.

Amendment of Act 43 of 1951.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

It has been found that the marriages of all the religious communities in India are celebrated with great pomp and show. Lakhs of rupees are spent on decoration and marriage feast. In addition to this, cash and valuable items are exchanged. This has been creating great unrest among those people who have no money to spend lavishly. Such people are forced to adopt corrupt practices to get huge sums of money. Corruption in administration and in all walks of life has, therefore, increased which is harmful to the progress of the nation. It has been observed that even the marriage performed with expenditure in lakhs of rupees results in bride burning, discontentment between the couple and divorce or separation. The people have started bidding for their sons in marriage. There is, therefore, need to have a legislation to curtail expenditure on the marriages and not to take marriages as trade so as to save the people from adopting corrupt practices.

Hence this Bill.

NEW DELHI:

BOLLA BULLI RAMAIAH.

March 10, 1903

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules to be made will relate to matters of detail only which cannot be provided for in the Bill itself, the delegation of legislative power is of a normal character.

BILL No. 92 OF 1993

A Bill further to amend the Merchant Shipping Act, 1958.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short
title
and
com-
men-
cement.

1. (1) This Act may be called the Merchant Shipping (Amendment) Act, 1993.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
section
21.

2. In section 21 of the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act), for clause (b), the following clause shall be substituted, namely:—

44 of 1958.

“(b) A company registered under the Companies Act, 1956 or any other juristic body created under the provisions of any law for the time being in force;”.

1 of 1956.

Amend-
ment of
section
42.

3. In section 42 of the principal Act.—

(i) sub-sections (1) and (2) shall be omitted;

(ii) in sub-section (3), the words "subject to the other provisions contained in this section," shall be omitted.

4. In section 51 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

Amendment of section 51.

"(2) A registered mortgagee of a ship shall be entitled to sell or otherwise dispose of the mortgaged ship or share, but if there are recorded more than one mortgages in respect of the same ship or share, a subsequent mortgagee shall not, except under the orders of the Court of the competent jurisdiction and without the concurrence of every prior mortgagee, sell the ship or share.

(3) The mortgagees referred to in sub-section (2) shall send a notice of their intention to sell the mortgaged ship or shares owned by them in that ship to the registrar of such ship.

(4) Where the mortgaged ship or shares are sold, the transfer of ownership of the ship or shares shall be registered by the registrar only after he is satisfied that in respect of the ship,—

(a) all dues and wages of seamen have been paid;

(b) all dues in respect of provident fund have been paid to seamen.

(5) Every sale of a mortgaged ship or share by mortgages shall be brought to the notice of the Director General in writing by the mortgages."

STATEMENT OF OBJECTS AND REASONS

One of the objectives of the Merchant Shipping Act, 1958, is to foster the development and ensure the efficient maintenance of an Indian merchantile marine in a manner best suited to serve the national interests. The National Shipping Policy also envisaged the country's increasing self-reliance, in carriage of country's overseas trade. In the year 1991-92 the share of Indian ships in the total overseas trade was around 35 per cent. only, while remaining 65 per cent. sea borne trade was carried out by foreign lines. Development of Shipping in India involves expenditure in foreign exchange as the country has to import vessels to meet bulk of its requirements. In view of the present acute scarcity of foreign exchange, Indian companies intending to acquire ships, either new or second hand, from abroad are encountering serious difficulties in the matter of raising funds in foreign currency from international banks and in obtaining yard credits. There are certain provisions in the Merchant Shipping Act, 1958, with regard to registration, transfer of ships and rights of mortgages which are perceived as impediments to the enforcement of the right of the lenders in case of loan defaults and consequent requirement to foreclose the mortgage.

Some of the existing provisions of the Act are perceived by the funding agencies as impediments in realising the loans in case of default. Certain provisions in the Merchant Shipping Act, 1958, are also not conducive to attracting foreign investments in the field of shipping and are not in consonance with the recently announced Government policies. Therefore, these provisions require suitable amendments.

Hence this Bill.

NEW DELHI;
July 13, 1993.

ARJUN CHARAN SETHI

BILL No. 86 OF 1993

A Bill to provide for the constitution of a Commission for the purpose of determining the prices of all consumer and industrial goods.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Price Control Act, 1993.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. The Central Government shall constitute a Commission for the purpose of determining the prices of all consumer and industrial goods, including life saving drugs and medicines, produced in or brought into the country from abroad.

Short
title.
extent
and
com-
mence-
ment.

Com-
mission to
determine
prices of
all con-
sumer
and
indust-
rial
goods.

Members
of the
Com-
mission.

3. (1) The Commission shall consist of two representatives each of producers, consumers, labourers, wholesalers, retailers, farmers, every State Government and Central Government, who shall be nominated by the Central Government.

(2) The Central Government shall appoint any member from amongst the members of the Commission to be its Chairman.

(3) The Chairman and other members of the Commission shall hold office for a period of two years.

Duty of
the Com-
mission.

4. It shall be the duty of the Commission to determine the prices of all consumer and industrial goods periodically after taking into account such factors as may be deemed necessary by the Commission while fixing the prices.

Punish-
ment for
selling
goods
at a
price
more
than the
price
deter-
mined
by the
Com-
mission.

5. If any person sells any consumer or industrial goods at a price more than that of the price determined by the Commission, he shall be punished with imprisonment for a term not exceeding three years or with a fine not exceeding ten thousand rupees or with both.

Power to
make
rules.

6. The Central Government may, by notification in the Official Gazette, frame rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The prices of all essential consumer goods and medicines are continuously increasing. The producers of consumer and industrial goods fix the prices keeping in view the huge profit and wholesalers and retailers arbitrarily charge increased prices. There is no effective control over the prices of essential consumer goods.

Therefore, it is proposed to constitute a Commission which shall determine the prices of all consumer and industrial goods.

Hence this Bill

NEW DELHI:
July 15, 1993.

MOHAN SINGH

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the appointment of a Commission for determining prices of all consumer and industrial goods. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. The initial non-recurring cost of establishment etc. is estimated at ten lakh rupees. The annual recurring expenditure in respect of the Commission will be about five lakh rupees.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 empowers the Central Government to make rules for carrying out the provisions of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

C. K. JAIN,
Secretary-General.